

UTTLESFORD DISTRICT COUNCIL

Cil Compliance

S62a/2023/0019RD

Land to the north of Roseacres, between Parsonage Road and smiths Green Lane Takeley

1.0	Introduction
1.1	This statement addresses the planning obligations sought by Uttlesford District Council in association with the above S62a planning application. The CIL compliance note remains in draft form until the s106 has been agreed between parties.
2.0	Relevant Legislation and Policies
2.1	Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for use of planning obligations. Obligations should only be sought when they meet the following tests, and the obligations are: a) Necessary to make the development acceptable in planning terms b) directly related to the development, and c) Fairly and reasonably related in scale and kind to the development
2.2	The following policies of the Development Plan are referred to in support of the case that the proposed planning obligations meet these tests
	Uttlesford Local Plan
	Policy GEN6: – Infrastructure Provision to support Development
2.3	This policy states that development will not be permitted unless it makes provision for infrastructure that is made necessary by the proposed development. Where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision
	Policy H9 – Affordable Housing
	This policy confirms that the council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date housing Needs survey, market and site considerations.
	GEN2-Design
	Development is required to provide an appropriate level of design which includes safeguarding environmental features in their settings and also to provide an environment which meets the reasonable needs of all potential users
	Policy GEN7

	This policy protects protected species and habitats and requires that measures to secure mitigation and/or compensation for potential impacts of development should be secured by planning obligations or condition
	Policy GEN1 - Access
	This Policy stated that development will be permitted if it makes provision for appropriate access including ensuring that the traffic generated can be accommodated on the transport network, ensuring safety for all highway users and encourages movement other than the car
	Planning Obligations
	The planning obligations are required to cover the following issues:
	<ul style="list-style-type: none"> (i) Provision of 40% affordable housing (ii) Payment of education financial contributions; Early Years, Primary and Secondary (iii) Libraries' contribution (iv) Financial contribution for Health contributions (v) Provision and long-term on-going maintenance of public open space (including LAP and LEAP) (vi) Financial contribution to provide sustainable highway improvements. (vii) Financial contribution to mitigate on impact of Hatfield Forest (ix) Monitoring cost (x) Payment of the council's reasonable legal costs
	The table below sets out the requirements of the draft s106 and the reasons for the requirement

Planning Obligation	Justification
Affordable housing Land transfer or completion/transfer	Policy requirement (Uttlesford Local Plan 2005 Policy H9) for 40% affordable housing to be provided on site On-site provision by an approved body as required by the s106 Developer_Contributions_SPD_March_2023.pdf (uttlesford.gov.uk)
Education contribution Payment for Early Years and Childcare (EY&C) contribution £152,098.00 index linked to January 2023 Primary Education contribution £506,993.00 index linked to January 2023 Secondary education contributions £464,876.00 index linked to January 2023	The contributions are directly related to the number of children generated by the development. Requirements are set out in the Essex County Council Education authority letter dated 14th March 2022..and Essex County Council Developers guide to Infrastructure Contributions 2020 (Developers' Guide for Infrastructure Contributions (essex.gov.uk)

School Transport (£86,617.200 index linked)	The contributions are directly related to the number of children generated by the development. Requirements are set out in the Essex County Council Education authority letter dated 14th March 2022..and Essex County Council Developers guide to Infrastructure Contributions 2020 (Developers' Guide for Infrastructure Contributions (essex.gov.uk)
Provision of Land for Extension to School No less than 1 hectare	Polic GEN 6 of the Uttlesford Local Plan
Libraries contribution of £77.80 per dwelling	Essex County Council seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications The suggested population increase brought about by the proposed development is expected to create additional usage at the local library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £77.80 per unit, respectively Developers' Guide for Infrastructure Contributions (essex.gov.uk) Developer_Contributions_SPD_March_2023.pdf (uttlesford.gov.uk)
Healthcare contribution (£160,474) Prior to commencement of the development	Policy requirement GEN6 Justification is provided as to why the healthcare contribution is required and the amount required is contained in NHS West Essex Clinical Commissioning Group's consultation response previously forward to PINS by LPA (dated 10th March 2020) Developer_Contributions_SPD_March_2023.pdf (uttlesford.gov.uk)
Provision and long-term on-going maintenance of public open space (including LAP)	Policy requirement (Policy GEN2c) for environments to meet the needs of all potential users. The development is required to provide satisfactory on site public open space Developer_Contributions_SPD_March_2023.pdf (uttlesford.gov.uk)

Financial contribution to provide sustainable highway improvements. £326,400 index linked from 1st April 2022	Policy requirement GEN1 To enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, extending time period, quality and/or geographical cover of bus routes that serve the site. In addition the funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport Developers' Guide for Infrastructure Contributions (essex.gov.uk)
Financial contribution to mitigate on impact of Hatfield Forest £14,400 The amount requested by Natural England and the National Trust cannot be justified at this moment in time £133,920)	Policy requirement GEN7 Contribution required by Natural England and National Trust towards visitor and botanic monitoring to assess impact and need for mitigation arising from additional residents and visitors to the forest and SSSI dated 24th November 2021 Developer_Contributions_SPD_March_2023.pdf (uttlesford.gov.uk) This increased amount has not been justified
Priors Wood Management Plan	Policy requirement GEN7 to mitigate impact of development upon the Ancient Woodland
Provision of Land for Extension to Priors Wood	Policy requirement GEN7 to mitigate impact of development upon the Ancient Woodland
Bus infrastructure - , payment of a financial contribution of £86,258.71 (index linked to the date of this recommendation) to provide real-time passenger information displays at the following bus stops: Chestnut Way (adj), Chestnut Way (opp), The Four Ashes (adj), The Four Ashes (near) to include installation and a commuted sum towards the energy and maintenance for a 15 year period and part replacement costs	The contributions are directly related to the number of children generated by the development. Requirements are set out in the Essex County Council Education authority letter dated 14th March 2022..and Essex County Council Developers guide to Infrastructure Contributions 2020 (Developers' Guide for Infrastructure Contributions (essex.gov.uk)